



Town of Moultonborough Planning Board

Notice of Decision

Conditional Use Permit

Wynne Sharples Ballinger Trust & Eaglet Family Partnership/Tax Map 84, Lot 1 and Tax Map 83, Lot 1)

August 11, 2010

Applicant: Wynne Sharples Ballinger Trust & Eaglet Family Partnership
c/o Kirton & McConkie, P.C.
600 East South Temple Street
Salt Lake City, UT 84745-0120

Location: Singing Eagle Road (Tax Map 84, Lot 1 and Tax Map 83, Lot 1)

On August 11, 2010 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Wynne Sharples Ballinger Trust & Eaglet Family Partnership, c/o Kirton & McConkie, P.C., 600 East South Temple Street, Salt Lake City, UT 85745-0120 (hereinafter referred to as the "Applicant" and/or "Owner") to allow construction of a driveway access crossing wetlands and the Wetland Resources Conservation Overlay District and removal and restoration of the existing driveway to natural conditions in the Agricultural Residential Zoning District.

The public hearing was closed on August 11, 2010. At the regularly scheduled Planning Board meeting on August 11, 2010 the Board voted by a vote of six (6) in favor (Coppinger, Charest, Jensen, Nelson, Fairchild, Ryerson), none (0) opposed, to **GRANT** their request for a Conditional Use Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the revised plans entitled, "Boundary & Topographic Survey Plan of Land Prepared for Wynne Sharples Ballinger Trust (Tax Map 84-1) and Eaglet family Partnership (Tax Map 83-1) Singing Eagle Road" prepared by Yerkes Surveying Consultants, P.O. Box 38, Laconia, NH 03247 and dated November 20, 2009 and amended July 19, 2010.

2. Amendments

Any modification to the revised approved plans created by Yerkes Surveying Consultants titled "Boundary & Topographic Survey Plan of Land Prepared for Wynne Sharples Ballinger Trust (Tax Map 84-1) and Eaglet family Partnership (Tax Map 83-1) Singing Eagle Road" and dated July 19, 2010, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant

shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

3. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this Conditional Use Permit shall be placed on the final plans, or this decision shall be recorded with the plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

4. Transfer of Ownership

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

5. Construction Practices

All construction shall be carried out in accordance with Town of Moultonborough ordinances, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

6. Construction Requirements

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of a Certificate of Occupancy for the site.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

7. Utilities

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

8. Flagging of Wetland

Flagging of the 50-foot buffer shall be required before and during any construction.

9. Wetlands Impacts

- a. Soil disturbance will be minimum necessary for construction and operation.

- b. Detrimental impacts will be minimized.
- c. Restoration activities will leave site as nearly as possible in its pre-disturbance condition.
- d. Construction work will not disturb habitat for rare, threatened or endangered species as determined by the NH Natural Heritage Bureau.

10. Application of Best Management Practices

Applicable industry Best Management Practices shall be employed for all construction activities on the site.

11. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

12. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

13. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

Joanne Coppinger
Chairman, Planning Board

Date _____